

TWENTY-SIXTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 23, 2004, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. The meeting was called to order at 9:30 A.M. by Commissioner Chairman, Larry Lasha.

Larry Lasha	Commissioner	Present
James R. Schauer	Commissioner	Present
Keith McNew	Commissioner	Present
Brenda Jackson	County Attorney	Present
Norma Hatfield	Clerk and Recorder	Absent

Also present Finance Director, Dana Angel; Bill Giordano, Planning and Zoning Director and Sharon Kendall, Deputy Clerk.

There was a Moment of Silence in honor of the men and women in the military.

The Pledge of Allegiance to the Flag of the United States of America was recited by those present.

AGENDA

Commissioner McNew made the motion to approve the Agenda. The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried.

CONSENT AGENDA

Commissioner McNew made the motion to approve the Consent Agenda:

1. Approval of Minutes November 9, 2004
2. Approval of Bills, November 23, 2004/\$567,026.60
3. Approval of October 26, 2004 Quarterly Report of the Public Trustee
4. **SCHEDULE PUBLIC HEARING FOR DECEMBER 14, 2004 AT 10:00 A.M.**
REQUEST: ZC 04-009 BRYAN ZONE CHANGE

Request approval of a **Zone Change from Agricultural Rural to Business, file #ZC 04-009 Bryan Zone Change, by Michael & Kathleen Bryan** for property owned by Michael Becker. The property is *located approximately 1/4 mile east of the intersection of County Road #6 and US Highway 50 on the north side of US Highway 50, in the Coaldale Area.*

SCHEDULE PUBLIC HEARING FOR DECEMBER 28, 2004 AT 10:00 A.M.

REQUEST: CUP 04-004 PENROSE TRUCK SALES

Request renewal of a **Conditional Use Permit** to allow the sale and recycling of used vehicles, trucks, household appliances and farm equipment, by **Richard Jansen**, for his property which is located at the northwest corner of Highway 115 and Fourth Street in Penrose, Colorado. The existing Conditional Use Permit expired on July 27, 2004.

The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Commissioner Lasha stated that they had an Elected Official's reception at the Big Horn facility at Royal Gorge and it was a very nice turnout.

2. Citizens Not Schedule: None

OLD BUSINESS:

1. REQUEST: CUP 04-002 RANCH LAND ROCK PIT #2 (AMENDMENT)

Angela Bellantoni, Environmental Alternatives, Inc., stated that she was present regarding the second contingency in the CUP which reads: A written agreement between Ranch Land LLC and Rocky Mountain Materials & Asphalt regarding the shared use of a one-mile section of County Road 112. The Agreement shall contain specific information as to the percentage each company will pay for maintenance of the shared section based on per-truck-usage per month. She stated that Mr. Peetz and Mr. Mangone have exchanged proposed agreements since September. The issue is that this contingency gives part of the power of compliance to a competitor of Ranch Land LLC and that is Rocky Mountain Materials. She stated that Mr. Peetz has always agreed to being responsible for the maintenance of the road and agrees today to take responsibility. She stated she would like to suggest that the contingency be reworded so that Ranch Land LLC will provide to the County a commitment for maintaining that road.

Bill Giordano, Planning & Zoning Director, stated that the problem he had was that they have basically lost approval rights in a way because it is now sitting in Rocky Mountain's hands. He stated that he was told they were all in agreement, but a contract does not get signed. He stated that maybe they should base it on the number of trucks that they are allowing and leave it on a percentage basis and they cost share. There would possibly be issues of one running more trucks than they are and questions on the cost of the maintenance. Mr. Giordano stated he wanted to explain how they got to this place and stated that Rocky Mountain came in and applied initially and were required to build the road and have full responsibility of maintenance. What they agreed to in that approval was that if anybody else came in and used that road with any numbers of trucks, they would take into consideration that they would ask that they cost share and help in the maintenance. He stated that he did not know how they could become specific enough to keep them from arguing and fighting and without us being a referee.

Brenda Jackson, County Attorney, stated that it (the agreement) was completely unacceptable from the County's standpoint in that it requires us to indemnify these parties, it makes the County a party, and it allows the parties to deny access to a county road. A general condition on Ranch Land requiring that they contribute to the cost of maintenance of the road in an amount to be determined in the future is probably appropriate. If Rocky Mountain wants contribution for their maintenance to the road, they can come in and request it. If we leave the condition in for Ranch Land and leave it to be resolved at such time as we have a maintenance bill that we can look at and divide it accordingly would probably solve the issue.

Commissioner Lasha made the motion to change to a commitment to maintain road maintenance with Ranch Land LLC. **Bill Giordano** stated that he would come up with the language, but it basically would say "Ranch Land will contribute toward the maintenance" (and would probably stick in there that one mile stretch that they are talking about and identify it from that). The motion was seconded by Commissioner McNew. Upon vote: Commissioner Lasha, aye; Commissioner McNew, aye; Commissioner Schauer, aye. The motion carried.

CANON CITY FIRE DISTRICT/IMPACT FEES

Brenda Jackson stated that the Ordinance was scheduled for reading today. After discussion with the City, she stated she believed this Board was inclined to table it until the City gets on track with the County.

Commissioner Schauer made the motion to table until January 25, 2005 further discussion of the Ordinance first reading on the Canon City Fire Protection District Impact Fees. The motion was seconded by Commissioner McNew. Upon vote: Commissioner Schauer, aye; Commissioner McNew, aye; Commissioner Lasha, aye. The motion carried.

NEW BUSINESS:

FREMONT COUNTY EMPLOYEE OF THE YEAR AWARD

Commissioner Lasha stated that they look forward every year to recognize an employee of the County for outstanding service. This year that employee is Clarice Little of the Nursing Service. Commissioner Lasha read a letter of congratulations and presented her with a plaque. **Mrs. Little** stated she was honored, but the honor should actually go to her whole nursing service. She stated that without her wonderful staff, they would not be able to do the services for the community that they do and she really appreciated them.

PRESENTATION/LEE RICHARDS & TIM CANTERBURY

Commissioner Lasha read the words on a plaque for Lee Richards for 20 years of service as a member of the Fremont County Board of Zoning Adjustment.

Mike Cox, Fremont County Building Department, stated that Lee not only has volunteered his time and energy to the Board of Zoning Adjustment, but has also been a member of the Building Department's Board of Appeals almost since it's inception. Mr. Cox added a certificate and Fremont County globe for Mr. Richards.

Marshall Butler, Fremont County Planning & Zoning, stated that Lee had represented Fremont County well on the Board of Zoning Adjustment.

Commissioner Lasha read the wording on the plaque for Tim Canterbury in appreciation for ten years of service as a member of the Fremont County Planning Commission.

Chuck McIntyre, Chairman, Fremont County Planning Commission, stated that Tim put in a lot of hours on the Master Plan and thanked him for his candor, honesty and humor in doing a difficult job and representing the west end.

RESOLUTION #132/APPOINTING A FREMONT COUNTY SURVEYOR

Brenda Jackson stated that there are never any candidates so the position is vacant after the election.

Commissioner Lasha stated that the Resolution today appoints a Fremont County Surveyor who would be Jack Effinger. **Commissioner Schauer** made the motion to approve **Resolution #132** appointing a Fremont County Surveyor, John Effinger, III. The motion was seconded by Commissioner McNew. Upon vote: Commissioner Schauer, aye; Commissioner McNew, aye; Commissioner Lasha, aye. The motion carried and carried with it the adoption of **Resolution #132**.

PUBLIC HEARING 2005 FREMONT COUNT BUDGET NOVEMBER 23, 2004 10:00 A.M.

Dana Angel, Fremont County Finance Director, submitted copies of the budget documents. He stated that the total 2005 proposed spending is \$26,653,592 and is approximately \$2.3 million decrease or 8.5% below the spending levels in 2004. A construction fund accounts for projects that are out of the ordinary, and one included in 2004 was the completion of the jail addition and remodeling. By backing that out of the 2004 spending and comparing to 2005, there is actually a 6% increase in 2005 spending. Out of that increase, \$900,000 will come from reserves and basically drops the reserves

from \$2.6 million down to \$1.7 million by the end of 2005. The preliminary budget as proposed does include implementation of an updated pay and classification plan with new guidelines. This includes an overall payroll cost increase of 4.75% or \$441,701 for 2005. This increase is included in the General, Road & Bridge, Department of Human Services and the Airport Funds. Although General Fund and Road & Bridge Fund expenditures increase by 3.9% and 1.6% respectively in 2005, spending requests were reduced \$459,000 and \$1,736,000 respectively during the budget-making process. Property tax revenue is projected to increase by \$174,573 or 4.9% in 2005. Sales tax revenue is anticipated to increase to \$4,463,464, an increase of \$108,866 or 2.5% for 2005. The property tax mill levy will increase .809 to 12.610 mills which includes .316 mills to recover \$104,290 in refunds and abatements made during 2004. Mr. Angel summarized the Capital Projects for 2005 for Road & Bridge, Gaming Impact Fund, Airport Fund, Capital Expenditures Fund and the PILT Fund. Mr. Angel stated that the Budget has been available for inspection by the public.

Commissioner Lasha asked for anyone wishing to speak for or against to come forward. Seeing none, he closed the Public Hearing and returned to the Regular Meeting.

Commissioner Lasha stated that this process was a difficult one because there just isn't a lot of money to work with and complimented Mr. Angel in including everyone in getting the input and for his hard work. All of the staff and elected officials worked together and this was a team effort.

Dana Angel stated that on December 14th, they would have proposed resolutions for adoption of the budget and certification of the mill levy. Page 1 of the proposed budget indicates that the total mill levy for 2005 will be 12.610 and that is split among the various funds.

NEW BUSINESS (CONTINUED)

REQUEST: MS 04-006 EAGLE'S NEST MINOR SUBDIVISION FILING NO. 1

Tim Rocchio, R.C. & T.R. LLC, stated they were asking for a two-lot minor subdivision on Eagle's Nest Court, approximately 300 feet up Eagle's Nest Drive.

Bill Giordano stated that at the Planning Commission meeting on November 3rd, the Planning Commission did recommend approval with 7 contingencies.

Commissioner McNew made the motion to approve MS 04-006 Eagle's Nest Minor Subdivision Filing No. 1 with 7 contingencies:

REQUIRED CONTINGENCIES

The following items shall be provided to the Department of Planning and Zoning, within six (6) months (*with no extensions*) after final approval by the Board of County Commissioners:

1. Final plat and copies (*copies to be provided after recordation of the plat*) as required by the Fremont County Subdivision Regulations.
2. An updated title commitment issued within 30 days of recording of the final plat. *An updated title commitment may result in additional requirements.*
3. Information adequate to enable the Department to compute addresses for proposed lots as per the Fremont County Subdivision Regulations (FCSR) Section XII.,I.,1.
4. Closure sheets for each lot and the subdivision boundary.
5. A detailed utility plan showing the proposed location of all utility and irrigation improvement locations, horizontal and vertical, as proposed by the developer. "As

built” plans would be acceptable, if more appropriate. Said plans shall include the signatures of all utility providers, indicating their approval of the plan.

6. An executed quitclaim deed with a deed restriction addressing the maintenance of any drainage facilities, drainage easements, rights-of-way, etcetera. Such deed is to be recorded at the time of recording of the final plat with all recording fees being at the expense of the applicant.
7. Compliance with the comments of the Fremont County Engineer regarding the submitted drainage report, proposed drainage and detention facilities, etcetera.

The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried.

REQUEST: MS 04-007 EAGLE’S NEST MINOR SUBDIVISION FILING NO. II

Tim Rocchio stated that this was right across the street from Filing No. I with the same 7 contingencies.

Bill Giordano stated that the Planning Commission did recommend approval with the same 7 contingencies. This Filing has three lots.

Commissioner Schauer made the motion to approve MS 04-007 Eagle’s Nest Minor Subdivision Filing No. II with 7 contingencies:

REQUIRED CONTINGENCIES

The following items shall be provided to the Department of Planning and Zoning, within six (6) months (*with no extensions*) after final approval by the Board of County Commissioners:

1. Final plat and copies (*copies to be provided after recordation of the plat*) as required by the Fremont County Subdivision Regulations.
2. An updated title commitment issued within 30 days of recording of the final plat. *An updated title commitment may result in additional requirements.*
3. Information adequate to enable the Department to compute addresses for proposed lots as per the Fremont County Subdivision Regulations (FCSR) Section XII.,I.,1.
4. Closure sheets for each lot and the subdivision boundary.
5. A detailed utility plan showing the proposed location of all utility and irrigation improvement locations, horizontal and vertical, as proposed by the developer. “As built” plans would be acceptable, if more appropriate. Said plans shall include the signatures of all utility providers, indicating their approval of the plan.
6. An executed quitclaim deed with a deed restriction addressing the maintenance of any drainage facilities, drainage easements, rights-of-way, etcetera. Such deed is to be recorded at the time of recording of the final plat with all recording fees being at the expense of the applicant.
7. Compliance with the comments of the Fremont County Engineer regarding the submitted drainage report, proposed drainage and detention facilities, etcetera.

The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Schauer, aye; Commissioner Lasha, aye; Commissioner McNew, aye. The motion carried.

ASSESSOR’S OFFICE – ABATEMENTS

Donna Pankratz, Assessor’s Office presented six Petitions for Abatement of Taxes.

Commissioner McNew made the motion to approve **Resolutions #133 through #138**. Petitions for Abatement of Taxes. The motion was seconded by Commissioner Schauer. Upon vote: Commissioner McNew, aye; Commissioner Schauer, aye; Commissioner Lasha, aye. The motion carried and carried with it the adoption of **Resolutions #133 through #138**:

RESOLUTION #133-PETITION FOR ABATEMENT OF TAXES – AUSTIN, PETER M. & LEA E. – SCHEDULE #120-06-490

RESOLUTION #134 – PETITION FOR ABATEMENT OF TAXES – WEBB, RICHARD & CAMPBELL, SHERRY – SCHEDULE #670-79-048

RESOLUTION #135 –PETITION FOR ABATEMENT OF TAXES – MOORE, RICHARD R. & JULIA R. – SCHEDULE #988-04-376-R

RESOLUTION #136 – PETITION FOR ABATEMENT OF TAXES – DEWEESE-DYE DITCH & RESERVOIR CO. – SCHEDULE #190-01-530

RESOLUTION #137 – PETITION FOR ABATEMENT OF TAXES – MCKISSACK, ROGER E. & TRACY J. – SCHEDULE #990-04-138

RESOLUTION #138 – PETITION FOR ABATEMENT OF TAXES – MCKISSACK, ROGER E. & TRACY J. – SCHEDULE #990-04-140

Commissioner Lasha adjourned the meeting at 10:27 A.M.

County Clerk